



AF/ JFC

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

19

Application Number

10/814,032

Filing Date

March 31, 2004

First Named Inventor

CLIFT

Art Unit

2612

Examiner Name

LAU, Hoi Ching

Attorney Docket Number

7162-0120

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Postcard Receipt

Fee: \$500 -Dep. Acct. 08-0870

Remarks

Please charge any deficiencies to Dep. Acct. No. 08-0870.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

SACCO & ASSOCIATES, P.A.

Signature

Printed name

Robert J. Sacco

Date

June 26, 2006

Reg. No.

35,667

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

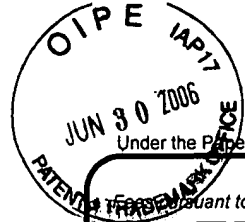
Robert J. Sacco

Date

June 26, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

As required by the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500

Complete if Known

Application Number	10/814,032
Filing Date	March 31, 2004
First Named Inventor	CLIFT
Examiner Name	LAU, Hoi Ching
Art Unit	2612
Attorney Docket No.	7162-0120

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☒ Other (please identify): Deposit Acct.

☒ Deposit Account Deposit Account Number: 08-0870 Deposit Account Name: Harris Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = / 50 = (round up to a whole number) x Fee (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)
Other (e.g., late filing surcharge): Appeal Brief Fee 500

SUBMITTED BY

Signature		Registration No. 35,667 (Attorney/Agent)	Telephone 561-626-2222
Name (Print/Type)	Robert J. Sacco		Date June 26, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/814,032 Confirmation No.: 6267
Applicant : Clift, et al.
Filed : March 31, 2004
TC/A.U. : 2612
Examiner : LAU, Hoi Ching

Docket No. : 7162-0120
Customer No. : 39207

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REAL PARTY IN INTEREST

The patent application to which the present appeal brief pertains, namely patent application no. 10/814,032, is assigned to Harris Corporation of Melbourne, Florida.

RELATED APPEALS AND INTERFERENCES

There are no related interferences, appeals or judicial proceedings known to Appellants, Appellants' legal representative, or the assignee which are related to this matter.

07/03/2006 CNEGAL 00000000 000070 1001403E
01 FC:1402 500.00 DA

Certificate Under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6-26-06 Typed name of person signing this certificate: ROBERT J. SACCO

STATUS OF CLAIMS

Claims 1 and 3-15 are pending in the application and stand rejected. Claims 1 and 3-15 are appealed.

STATUS OF AMENDMENTS

An amendment filed prior to the final office action was entered. The claims presented herein are in the form in which they were presented to the Examiner prior to the final rejection.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to a system and method of tracking an entity. The entity can be a person or object. The invention includes two or more tracking stations in a wireless ad-hoc network. An ad-hoc network, also known as a peer-to-peer network, is a local area network or other small network in which some of the network devices are part of the network only for the duration of a communications session or while the network devices are within a defined proximity to each other. The tracking stations are in direct communication with one another.

Each entity is assigned a unique identifier. When the entity is located at the first tracking station, the first tracking station will determine the presence of the entity by detecting the entity's unique identifier. Then, the first tracking station will compare the entity's unique identifier data with a database of unique identifiers that are stored within the first tracking station. Based on a predicted transit path of the entity, the first tracking station wirelessly transmits the entity's unique identifier data to at least a second tracking station and to a logging station that logs information acquired from the first tracking station. Depending on the predicted transit path of the entity, only certain tracking stations will receive the entity's unique identifier, while other tracking stations will not. Such selective dissemination of information reduces the necessary bandwidth required for communications among the tracking stations.

Claim 1 recites a method for tracking an entity (130) comprising operating a plurality of tracking stations (205, 210, 215, 220) in a wireless ad-hoc network and assigning to the entity a unique identifier (250). (Appellant's Specification, p. 5, lines 7-9; p. 6., lines 20-26). In addition, the claimed method recites determining the presence of the entity (130) within a predetermined area at a first of the plurality of tracking stations (205, 210, 215, 220) responsive to detection of the unique identifier (250) and comparing at the tracking station the unique identifier (250) that has been detected with a database of unique identifiers stored at the tracking station. (Appellant's Specification, p. 11, lines 7-11). Claim 1 further recites wirelessly transmitting the unique identifier (250) that has been assigned to the entity (130) to at least a second of the plurality of tracking stations (205, 210, 215, 220) and dynamically varying the number of the tracking stations on an ad-hoc basis responsive to variations in a tracking environment. (Appellant's Specification, p. 4, lines 5-7; p. 8, lines 1-6, 22-23, and p. 11, lines 4-6). Finally, claim 1 recites the step of wirelessly transmitting the unique identifier (250) by selectively communicating the unique identifier (250) to at least the second tracking station (205, 210, 215, 220) based on a predicted transit scenario of the entity (130). (Appellant's Specification, p. 10, lines 3-17, p. 11, lines 4-7).

Claim 3 depends from claim 1 and recites the step of storing the unique identifier (250) on a datastore attached to the entity (130). (Appellant's Specification, p. 6, line 9). Claim 4 depends from claim 3 and recites that the step of storing the unique identifier (250) comprises storing the unique identifier (250) on a radio frequency identification tag (125). (Appellant's Specification, p. 6, lines 9-26).

Claim 5 depends from claim 1 and recites that the step of assigning a unique identifier (250) comprises performing a biometric scan of the entity. (Appellant's Specification, p. 6, lines 17-22). Claim 6 depends from claim 5 and recites that the biometric scan comprises at least one process selected from the group consisting of a facial scan, an iris scan, a fingerprinting, and obtaining a palm print. (Appellant's Specification, p. 6, lines 18-20). Claim 7 depends from claim 1 and recites wirelessly transmitting the unique identifier (250) to a logging station (230). (Appellant's Specification, p. 4, lines 14-17, p. 7, lines 7-28, p. 8, lines 1-2). Claim 8 depends from

claim 7 and recites propagating from the logging station (230) to at least one of the plurality of tracking stations (205, 210, 215, 220) data that is relevant to the at least one of the plurality of tracking stations (205, 210, 215, 220). (Appellant's Specification, p. 4, lines 14-17). Claim 9 depends from claim 8 and recites the data is propagated during a system boot of the at least one of the plurality of tracking stations (205, 210, 215, 220). (Appellant's Specification, p. 4, lines 14-17).

Claim 10 recites a tracking system (200) comprising at least two tracking stations (205, 210, 215, 220). In addition, the system of Claim 10 recites that each of the tracking stations (205, 210, 215, 220) comprises a processor (105), a datastore containing a database of unique identifier information (105), a wireless network adapter (115) capable of operating in a wireless ad-hoc network, and a radio frequency identification scanning device (120) coupled to the processor and responsive to a RFID tag (125) for determining the presence of said RFID tag within a predetermined area. (Appellant's Specification, p. 4, lines 18-24, p. 5; lines 20-25). Claim 10 further recites that the processor (105) compares a unique identifier (250) associated with the RFID tag (125) with a database of unique identifiers stored at the tracking station and the wireless network adaptor wirelessly transmits the unique identifier (250) to at least a second one of the tracking stations (205, 210, 215, 220). (Appellant's Specification, p. 6, lines 27-29; p. 8, lines 14-28; p. 9, lines 1-10; p. 11 lines 7-11; p. 12, lines 6-21). Finally, claim 10 recites the processor (105) determines a predicted transit scenario for an entity (130) possessing the unique identifier (250) and selectively identifies at least the second one of the tracking stations (205, 210, 215, 220) to which the unique identifier (250) is transmitted based on the predicted transit scenario. (Appellant's Specification, p. 4, lines 7-9 and p. 10, lines 3-19).

Claim 11 depends from claim 10 and recites the processor (105); the wireless network adapter (115) and the radio frequency identification scanning device (120) are incorporated into a single unit. (Appellant's Specification, p. 4, lines 18-21). Claim 12 depends from claim 11 and recites each of the tracking stations (205, 210, 215, 220) further comprises a biometric scanning device (110) capable of uniquely identifying a person. (Appellant's Specification, p. 4, lines 21-22). Claim 13 depends from claim 12,

and recites that the processor, the wireless network adapter; the radio frequency identification scanning device and the biometric scanning device are incorporated into a single unit. (Appellant's Specification, p. 4, lines 22-24).

Claim 14 depends from claim 10 and recites the processor (105) and wireless network adapter (115) are components of a personal computer. (Appellant's Specification, p. 4, lines 24-26). Claim 15 depends from claim 10 and recites the processor (105) and wireless network adapter (115) are components of a laptop computer. (Appellant's Specification, p. 4, lines 24-26; p. 7, lines 1-3).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 and 3-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Published Patent Application No. US 2004/0169589 to Lea, et al. ("Lea, et al.") in view of U.S. Published Patent Application No. US 2005/0087596 to Larson, et al. ("Larson, et al."). Claims 10-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Larson, et al. in view of Lea, et al. Claim 15 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Larson, et al. in view of Lea, et al., and in further view of U.S. Published Patent Application No. US 2004/0263319 to Huomo ("Houmo").

ARGUMENT

The following claim groupings identify groups of claims which are different in scope and believed to be separately patentable. Accordingly, the claims of any particular group do not stand or fall with claims of any other group.

- I. Rejection of Claims 1 and 3-9 under 35 U.S.C. §103(a) based on Lea, et al. in view of Larson, et al.

Claim 1 has been rejected by the Examiner based on Lea, et al. in view of Larson, et al. However, the combination of Lea et al. and Larson et al. fail to disclose several important features that are recited in claim 1. Most significantly, the combination of these references fails to teach selectively communicating a unique

identifier from a first tracking station to a second tracking station based on a predicted transit scenario of a tracked entity.

Lea et al. discloses a passenger/object location system that includes one or more radio transceivers (known as remote masters or RMs) located at predetermined locations. The passenger/object is given an Electronic Tracking Clip (ETC) containing a transponder that is uniquely identified with the passenger/object. The ETC is distributed using an ETC Dispenser. The transponder device is adapted to transmit an RF signal in response to receiving an RF signal from one or more RM's. A passenger location means determines the position of the passenger/object transponder by determining the location of the one or more radio transceivers that actually received the transponder signal. The RM's that detect the particular transponder signal send their detection information wirelessly to a LAN Switch/hub and from the LAN Switch/hub to the Application Server. The Application Server contains the system application that uses an algorithm to approximate the present location of the ETC. Notably, the RM's do not communicate directly with each other. Rather, each RM communicates directly with the LAN which in turn communicates with Application and Database Servers and other RM's. The Application Server displays the location ID associated with the RM and, thus, displays the location of an ETC. Database Servers will contain an updatable database of information regarding the passengers/objects.

Larson et al. discloses methods and systems for managing personnel security at physical locations, namely security access points. The methods include respectively managing personnel security for one or more sponsor entities, vendor entities, and individuals associated with vendor entities. One of the methods disclosed by Larson et al. includes managing personnel security for a plurality of different sponsor entities from an administrator entity. The Larson et al. invention discloses that each access point location includes a computer with a processing unit, a wireless modem that is connected to a LAN network, a database of stored relevant data such as biometric data, and a card reader station that is capable of reading RFID security tags.

a. The Combination of Lea, et al. and Larson, et al. Fail to Teach Selectively Communicating a Unique Identifier from a First Tracking Station to a Second Tracking Station Based on a Predicted Transit Scenario of a Tracked Entity

Claim 1 recites that “wirelessly transmitting the unique identifier comprises selectively communicating the unique identifier to at least the second tracking station based on a predicted transit scenario of the entity.” This step reduces network bandwidth by transmitting data, such as unique identifiers, to only those tracking stations that fall under the predicted travel route of the entity. The Examiner has asserted that Lea et al. teaches this limitation through its “step of analyzing the paths of travel of each individual over time from the location data received” (Lea et al. ¶43). However, Applicants respectfully disagree with Examiner’s assertion. Lea et al. does not teach the use of a predicted transit scenario. Instead, Lea et al. merely teaches that a transponder’s past and present location data are analyzed to recreate a single past transit path. Basically, Lea et al. shares data between RMs to determine where the transponder has traveled, but not to predict where the transponder may travel in the future. See Lea et al. ¶70. The approach described in Lea et al is different from Applicants’ invention, which predicts a future transit path or paths (i.e. a predicted transit scenario) based on current location data.

In Lea, et al., the paths of travel of individuals done over time is used to determine a location of an individual at any given moment. See Lea et al., ¶70. The tracking information can also be analyzed after the travel is performed for the purposes of making physical adjustments to the defined space, i.e., within the passenger terminal, to make more efficient use of the space to reduce delays. (Lea, et al., p. 3, lines 20-43, ¶0070). In contrast, claim 1 clearly recites that the predicted transit scenario of an entity is used for a completely different purpose. In particular, the information is used in connection with the step of wirelessly transmitting the unique identifier from a first tracking station. As recited in claim 1, the unique identifier information is selectively communicated to a second tracking station based on a predicted transit scenario of an entity. (Appellant’s Specification, p. 4, lines 8-9; p. 10, lines 3-17; p. 11, lines 4-7). This

step reduces network bandwidth by transmitting data, such as unique identifiers, to only those tracking stations that fall under the predicted travel route of the entity. Clearly, locating a passenger or attempting to make efficient use of the space in a passenger terminal as disclosed in Lea et al. is not the same as attempting to maximize the use of computer network resources by limiting network bandwidth usage.

Larson similarly fails to teach selectively communicating the unique identifier to at least the second tracking station based on a predicted transit scenario of the entity. In fact, Larson et al. does not concern the tracking of entities at all. Instead, Larson et al. merely discloses a system for controlling access to facilities. In Larson et al. a system and method is disclosed for administering security for a plurality of different sponsor or client locations using a centralized server. The system described in Larson et al. uses a centralized system to obtain screening data from various sponsor entities (outside companies). This screening data is used to determine whether certain employees are granted access to the facilities of a client company (or facilities of a sponsor). The system includes an administrative entity 74, vendor entities 72 and sponsor entities 70. Larson et al. describes computing devices 100 (which can include card readers and wireless modems) and a network used for interaction among the entities.

The system described in Larson et al. provides for control over ingress and egress to facilities, and even mentions generating reports regarding the specific locations within a site that are accessed. See Larson, ¶ 77. However, no suggestion or teaching is contained in Larson et al. with regard to Appellant's claimed step of "selectively communicating the unique identifier to at least the second tracking station based on a predicted transit scenario of the entity." This step reduces network bandwidth by transmitting data, such as unique identifiers, to only those tracking stations that fall under the predicted travel route of the entity. Accordingly, Larson et al. fails to make up for the deficiencies of Lea et al.

b. The Combination of Lea, et al. and Larson, et al Fail to Teach Wirelessly Transmitting the Unique Identifier that has been Assigned to the Entity to at least a second of the Plurality of Tracking Stations

Claim 1 further recites wirelessly transmitting the unique identifier that has been assigned to the entity to at least a second of the plurality of tracking stations. The passenger location system in Lea, et al. does not transmit (wirelessly or otherwise) the unique identifier from a first tracking station to at least a second of the plurality of tracking stations. In Lea, et al., the unique ID encoded on the ETC is detected by one or more transceivers and then relayed via LAN switches/hubs through a local area network to application and database servers. (Lea, et al., p. 4, right hand column, lines 3-5). The unique ID from an ETC is not transmitted to or between any of the other transceivers (RM) or access points as required by claim 1. Similarly, there is no suggestion in Larson et al. that unique ID information is transmitted from one tracking station to the other tracking station. At best, the Lea et al. and Larson et al. references describe systems where tracking data is relayed to and from a centralized entity. However, this is not the same as the communication of unique ID data from one tracking station to another tracking station as recited in claim 1.

Summarizing, there is no teaching or suggestion in the references to support the Examiner's contention that claim 1 is obvious based on the combination of Lea et al. in view of Larson et al. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03, *citing In re Royka*, 490 F.2d 981, 985 (CCPA 1970); *see also CFMT, Inc. v. YieldUp Int'l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003). The Examiner has failed to state a *prima facie* case of obviousness and appellant believes claim 1 is in a condition for allowance. Claims 3-9 are similarly believed to be in a condition for allowance by virtue of their dependence on an allowable base claim.

II. Rejection of Claims 10 and 11-15 under 35 U.S.C. §103(a) Based on Larson, et al.in view of Lea et al.

Claim 10 has been rejected by the Examiner based on Larson et al. in view of Lea, et al. However, the combination of Larson et al. and Lea et al. fail to disclose

several important features that are recited in claim 10. Most significantly, the combination of these references fails to teach that a tracking station has a processor which determines a predicted transit scenario for an entity possessing a unique identifier. The combination of references also fail to show that the same processor selectively identifies at least a second one of the tracking stations to which the unique identifier is transmitted based on the predicted transit scenario.

a. The Combination of Larson et al. and Lea et al. Fail to Disclose that a Processor Provided in a Tracking Station Determines a Predicted Transit Scenario For an Entity Possessing a Unique Identifier

Claim 10 recites a tracking system that includes at least two tracking stations. Claim 10 also recites that the tracking stations each contain a processor. Further, claim 10 recites that the claimed processor determines a predicted transit scenario for an entity possessing a unique identifier. This feature is not disclosed or suggested by the combination of references cited.

The features of Larson et al. have already been discussed in detail. Accordingly, it will be appreciated that the system described in Larson et al. is generally related to control over ingress and egress to facilities. Larson does mention generating reports regarding the specific locations within a site that are accessed. See Larson, ¶ 77. However, no suggestion or teaching is contained in Larson et al. with regard to Appellant's claimed tracking stations including a processor that "determines a predicted transit scenario for an entity possessing [a] unique identifier."

Significantly, Lea et al. fails to make up for the deficiencies of Larson et al. As previously noted, in Lea, et al. the paths of travel of an individuals can be used to determine a location of an individual at any given moment. See Lea et al., ¶70. Lea et al. also discloses that the tracking information can be analyzed after the travel is performed for the purposes of making physical adjustments to the defined space, i.e., within the passenger terminal, to make more efficient use of the space to reduce delays. (Lea, et al., p. 3, lines 20-43, ¶0070). In contrast, Appellant's claim 10 recites that the tracking processor determines a predicted transit scenario for an entity possessing a unique identifier. This feature is not disclosed or suggested in Lea et al.

- b. The Combination of Larson et al. and Lea et al. Fail to Disclose or Suggest Appellants Claimed Tracking Station Processor which Selectively Identifies At Least the Second One of the Tracking Stations to Which the Unique Identifier Is Transmitted Based on the Predicted Transit Scenario

Claim 10 also recites that the tracking station processor “selectively identifies at least the second one of the tracking stations to which the unique identifier is transmitted based on the predicted transit scenario.” There is no similar suggestion or teaching in Larson et al. As discussed above, Larson et al. is primarily concerned with controlling ingress and egress to facilities. Larson et al. does mention generating reports regarding the specific locations within a site that are accessed. See Larson, ¶ 77. However, no suggestion or teaching is contained in Larson et al. with regard to identifying tracking stations to which unique identifier information is transmitted based on a predicted transit scenario. Accordingly, Larson et al. also fails to disclose this feature.

Once again, Lea et al. fails to make up for the deficiencies of Larson et al. Nowhere in Lea et al. is there any suggestion that the tracking station processor “selectively identifies at least the second one of the tracking stations to which the unique identifier is transmitted based on the predicted transit scenario.” In fact, Lea et al. does not even appear to contemplate direct communications between tracking stations. As previously discussed, in Lea, et al., tracking information is used to physically locate individuals. The tracking information is also analyzed after the travel is performed for the purposes of making physical adjustments to the defined space, i.e., within a passenger terminal, to make more efficient use of the space to reduce delays. (Lea, et al., p. 3, lines 20-43, ¶0070). In the present invention, the predicted transit scenario of an entity is used for a completely different purpose, i.e., selectively communicating the unique identifier to at least the second tracking station so minimal bandwidth, communication, and processing resources in the computer network are utilized. (Appellant’s Specification, p. 10, lines 3-12, ¶0031). Accordingly, this feature as recited in claim 10 is not found in Lea et al.

In conclusion, there is no teaching or suggestion in the references for the combination that the Examiner has proposed and the claim limitations of claim 10 were

not met. *Id.* Lea, et al. does not make up for the deficiencies of Larson, et al. as the Examiner has stated. Thus, the Examiner has failed to state a *prima facie* case of obviousness and appellant believes claim 10 is in a condition for allowance. Accordingly, the rejection of claim 10 must be reversed. Claims 11-15 are similarly believed to be in a condition for allowance by virtue of their dependence on an allowable base claim.

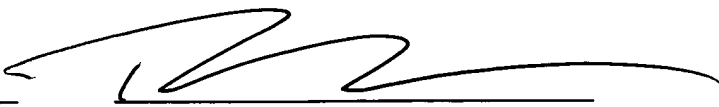
III. CONCLUSION

In the Examiner's rejection of claims 1 and 3-15, the cited references have been misguidedly applied. The cited references fail to render Appellants' invention obvious. Accordingly, Appellants submit that claims 1 and 3-15 define a patentably distinguishable invention over the prior art made of record, and a Notice of Allowance for claims 1 and 3-15 is accordingly and courteously solicited.

Please charge Deposit Account No. 08-0870 in the amount of \$500 pursuant to fee code 1402. Please charge any deficiencies or credit any overpayments to Deposit Account No. 08-0870.

Respectfully submitted,

Date: 6-26-06



Robert J. Sacco
Registration No. 35,667
Sacco & Associates, P.A.
P.O. Box 30999
Palm Beach Gardens, FL 33420-0999
Tel: 561-626-2222

APPENDIX

CLAIMS

1. A method of tracking an entity comprising:
operating a plurality of tracking stations in a wireless ad-hoc network;
assigning to the entity a unique identifier;
determining the presence of the entity within a predetermined area at a first of the plurality of tracking stations responsive to detection of the unique identifier;
comparing at the tracking station the unique identifier that has been detected with a database of unique identifiers stored at the tracking station;
wirelessly transmitting the unique identifier that has been assigned to the entity to at least a second of the plurality of tracking stations; and
dynamically varying the number of the tracking stations on an ad-hoc basis responsive to variations in a tracking environment; and
wherein the step of wirelessly transmitting the unique identifier comprises selectively communicating the unique identifier to at least the second tracking station based on a predicted transit scenario of the entity.
2. (Cancelled)
3. The method of claim 1 further comprising storing the unique identifier on a datastore attached to the entity.
4. The method of claim 3 wherein said step of storing the unique identifier comprises storing the unique identifier on a radio frequency identification tag.
5. The method of claim 1, wherein the step of assigning a unique identifier comprises performing a biometric scan of the entity.
6. The method of claim 5, wherein the biometric scan comprises at least one process selected from the group consisting of a facial scan, an iris scan, a fingerprinting, and obtaining a palm print.
7. The method of claim 1, further comprising wirelessly transmitting the unique identifier to a logging station.

8. The method of claim 7, further comprising propagating from the logging station to at least one of the plurality of tracking stations data that is relevant to the at least one of the plurality of tracking stations.
9. The method of claim 8, wherein the data is propagated during a system boot of the at least one of the plurality of tracking stations.
10. A tracking system comprising:
 - at least two tracking stations, each of the tracking stations comprising:
 - a processor;
 - a datastore containing a database of unique identifier information;
 - a wireless network adapter capable of operating in a wireless ad-hoc network; and
 - a radio frequency identification scanning device coupled to the processor and responsive to a RFID tag for determining the presence of said RFID tag within a predetermined area;
 - wherein the processor compares a unique identifier associated with the RFID tag with a database of unique identifiers stored at the tracking station;
 - wherein the wireless network adaptor wirelessly transmits the unique identifier to at least a second one of the tracking stations; and
 - wherein the processor determines a predicted transit scenario for an entity possessing the unique identifier and selectively identifies at least the second one of the tracking stations to which the unique identifier is transmitted based on the predicted transit scenario.
11. The tracking system of claim 10, wherein the processor, the wireless network adapter and the radio frequency identification scanning device are incorporated into a single unit.
12. The tracking system of claim 11, wherein each of the tracking stations further comprises a biometric scanning device capable of uniquely identifying a person.
13. The tracking system of claim 12, wherein the processor, the wireless network adapter, the radio frequency identification scanning device and the biometric scanning device are incorporated into a single unit.

14. The tracking system of claim 10, wherein the processor and wireless network adapter are components of a personal computer.

15. The tracking system of claim 10, wherein the processor and wireless network adapter are components of a laptop computer.

EVIDENCE APPENDIX

(none)

RELATED PROCEEDINGS APPENDIX

(none)